

deemed, for the purposes of The Indian  
Railways Act and of clause V of this  
Notification, to be the Local Government  
in respect to such parts of the Railways  
mentioned opposite their names respectively  
in the first column of the said Schedule  
as are situate within the said territories  
of the states mentioned opposite their  
names, respectively in the second column  
of the said schedule.

VII - The following Notifications of the  
Government of India in the Foreign Dep

-artment are hereby cancelled:-

No 4587-2 dated The 21<sup>st</sup> October 1887

No 1145-1 dated The 22 March 1889

No 2065-1 dated The 22<sup>nd</sup> May 1889 in so far as it  
refers to Notification No 1145-1 dated The 22<sup>nd</sup> March  
1889.

VIII - The following Notifications of the Govern-  
ment of India in the Public works

Department sanctioning the use of locomotive  
engines or other motive power except Carriages  
and wagons to be drawn or propelled thereby  
are hereby cancelled in so far as they relate to  
The portions of the Railways mentioned in  
The first column of the schedule hereto annexed  
which are situated in the States mentioned  
opposite them respectively in the second  
column of that schedule:—

Act 265 dated the 14 June 1879

" 10 " 10th January 1883

" 212 " 3rd September 1884

" 243 " 19th October 1885

" 331 " 12th December 1885

" 72 " 17th March 1886

101 " 23rd March 1889

203 " 4th July 1889

208 " 6th July 1888

261 " 5th Sept 1888

262 " 23 Aug 1889

42 " 28 January 1890

IX The following Resolutions of The Gov-  
ernment of India in The Public works

Department are hereby cancelled, in so far as they relate to the portions of the Railways mentioned in the first column of the Schedule hereto annexed which are annexed which are situated in the States mentioned opposite them, respectively in the second column of that schedule:—

No 98 R.T dated 21<sup>st</sup> January 1886  
 604 R.T " 21<sup>st</sup> May 1886  
 724 R.T " 17<sup>th</sup> July 1886  
 789 R.T " 2<sup>nd</sup> July 1887  
 1009 R.T " 25<sup>th</sup> Sept 1888  
 018 R.T " 22<sup>nd</sup> Nov. 1888  
 69 R.T " 26<sup>th</sup> April 1889  
 240 R.T " 14<sup>th</sup> June 1889  
 253 " " 23<sup>rd</sup> Sept 1889  
 713 " " 6<sup>th</sup> October 1889  
 2 " " 3<sup>rd</sup> January 1891

W. J. Cunningham  
 officiating Secretary to the Govt of India

The Schedule.

1	2	3	4
Railway	State	Special part of the State within which jurisdiction has been ceded over Railway lands	Government or authority deemed to be local Govt
(2) Howrah Branch	Santhalandi	The villages of Kamda, Kundol, Pur Raipali and Shiner	Ditto

Ditto	Miraj (junior)	The villages of Gudgeri	Ditto
Ditto	Savner	The villages of Honni Kori & Gondur	Ditto

Resolution - copies of Government of India  
notification No 3352-1 dated the 20<sup>th</sup> September  
1897 should be forwarded to the officers &  
Departments addressed by Government Resolution  
No 1267 dated the 20<sup>th</sup> November 1897

W. G. W. Vidal

As. chief Secy to Govt

To

The Commissioner N. W.

" " C. D.

" " S. D.

The Polt. agent Kathiawar

" " Kolhapur & the Southern  
Maharashtra country

" " Mahi Kathi

The Polt. Superintendent Palanpur

The collector & Political agent Bhavnagar

" " Solapur

The Public works Department of the  
Secretariat (Railway)

The judicial Department of the  
Secretariat

The ~~big~~ Remembrance of Legal affairs

No 8268 Kalghatji

10<sup>th</sup> November 1894

Copy forwarded for information to  
The Assistant Poll Agent

By R. D. Goshi  
of Head clerk  
for Poll Agent.

No 101 Dharwar

16<sup>th</sup> November 1894

Forwarded to the Dewan of Savanur for  
information and return

By R. Knight

A. P. A. Savanur  
No. 33 of 1894-95

Savanur 21<sup>st</sup> Nov 1894

Returned with compliments to The Asst. Poll  
Agent Savanur

& A copy of the Resolution has been

Taken and placed on record

for the reinforcement of this office

*[Signature]*  
Deputy of Savanur

دین دار  
میسر  
2 میس  
میسر  
میسر

Railways.

Rules relating to the acquisition

of land for railway purposes

and its occupation, surrender &c.

no. 6307.

Political Department.

Bombay Castle, 9<sup>th</sup> October 1895.

Resolution of Government in the Public Works Department (Railway), no. 2007, dated the 23<sup>rd</sup> September 1895:—

Read again Government Resolution no 1685  
dated 25<sup>th</sup> August 1895.

From the Under Secretary to the Government  
of India, Public Works Department, dated  
2<sup>nd</sup> September 1895.

Forwards the following Addendum to  
Government of India, Public Works Department,  
circular no VI, Railway, dated 7<sup>th</sup> July.

Rules relating to the acquisition of land

for Railway purposes, &c.

paragraph 43- Land relinquished. Add the following  
to this paragraph.

The sale proceeds of such land will be

credited to the railway, or head of account, to which

its cost was originally debited.

Resolution - To be communicated to the

officers and departments concerned, for informa-

tion and guidance, in continuation of Government

Resolution No. 1685 dated 25<sup>th</sup> August 1892

Resolution - Copies of the above resolution should

be forwarded to all Political officers (except the

Political Resident at Aden and the Agent for

Sardars in the Beccan) in continuation of

Government Resolution No. 4686, dated 31<sup>st</sup> July



1893.

or 1891/92 .3 .N.

1891 dated 31 (signed) G. W. Vidal

" Acting Chief Secretary to the Government

1891 dated 31 .3 .N.

To, The Commission in India &c.

The collector & Poll: agent Bharwar.

No. 7499 Bharwar

15 October/95.

Copy forwarded for information to the Assistant  
Poll: agent.

H. G. Hadgir.

Head clerk.

for Poll: agent.

No 261 Bharwar

21 October 1895.

Forwarded to the Bureau of Savanur for  
information & return.

A. Lucas

A. P. A. Savanur.

No 24 of 1895-96.

Savannah 25<sup>TH</sup> October 1895

Returned with compliments and with an  
intimation that a copy of the resolution has  
been taken and placed on record for reference.

A handwritten signature in dark ink, appearing to read "J. H. Brown". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Bureau of Savannah.

**Lands.**

Principles to be observed in the preparation of estimates of cost of — required for railway or other large public projects.

No. 5183-A.

REVENUE DEPARTMENT.

Bombay Castle, 10th July 1897.

Read Government Resolution No. 9168, dated 21st November 1895.

Letter from the Commissioner, N. D., No. 1421, dated 17th April 1896.

Letter from the Commissioner, C. D., No. R.—1644, dated 4th May 1896.

Memorandum from the Commissioner in Sind, No. 1662, dated 7th May 1896.

Letter from the Collector of Land Revenue, Customs and Opium, Bombay, No. L.R.—1028, dated 16th May 1896.

Letter from the Commissioner, S. D., No. 3602, dated 12th August 1896.

Submitting with reference to Government Resolution No. 9168, dated 21st November 1895, their reports on the proposal to frame rules for the guidance of officers in estimating the value of land taken up under the Land Acquisition Act for railway and other large public projects.

Memorandum from the Remembrancer of Legal Affairs, No. 8, dated 4th January 1897.

Memorandum from the Commissioner, S. D., No. 5573, dated 8th December 1896.

Letter from the Remembrancer of Legal Affairs, No. 286, dated 25th February 1897.

Letter from the Commissioner, N. D., No. 1571, dated 21st April 1897.

Memorandum from the Commissioner in Sind, No. 2155, dated 27th April 1897.

Letter from the Commissioner, C. D., No. R.—3190, dated 14th May 1897.

Submitting their remarks on the draft rules regarding the mode in which the directions contained in the Resolution of the Government of India, Public Works Department, Railway, No. XI, dated 21st September 1895, circulated with Government Resolution No. 9168, dated 21st November 1895, should be carried into effect.

RESOLUTION.—Ordered that the following letter be addressed to the Government of India :—

“ In their Circular No. XI, *Railway*, dated 21st September 1895, the Government of India have issued certain instructions with the view of securing greater accuracy in the estimates of the value of land required for railway or other large public projects and closer supervision over the awards made under the Land Acquisition Act in regard to such land and requested all Local Governments and Administrations to frame rules on the lines indicated in that Circular for the guidance of officers who have to prepare estimates and make awards under the Act in respect to such land. This Government endeavoured to give effect to the instructions of the Government of India by drafting rules, a copy of which is appended for information, and circulating them for criticism to the Chief Revenue officers in this Presidency, but the general opinion is that there would be no advantage in such rules and that they would hamper instead of assisting the proper valuation of land. In the circumstances I am directed by His Excellency the Governor in Council to submit the following observations for the further consideration and orders of the Government of India.

“ 2. It is stated in paragraph 5 of the circular above referred to that ‘ general rules should be framed in every province for the guidance of officers in estimating the value of the land taken up under the Land Acquisition Act,’ and in paragraph 8 that rules should be framed to give general effect to the principles stated in the circular. Now the former rules, if they are to have any effect at all, must be rules framed under the Act ; the Collector in performing his functions under the Act could not properly take cognizance of any other rules. But all of the latter could not be rules under the Act ; some of the

instructions relate to the preparation of estimates and measures taken before the Land Acquisition Act is applied at all.

"3. There would of course be no objection to putting the instructions given in the Circular into the form of rules, but on the other hand there would be no advantage, for the instructions will be equally efficacious as they are. In any case however the instructions given at the close of paragraph 6 of the Circular as regards the submission to higher authorities for approval of awards exceeding the estimates by a certain percentage should in the opinion of the Governor in Council be reconsidered. It is to be remembered that the officer appointed to take order for the acquisition of land comes within the definition of 'Collector.' He has to perform quasi-judicial functions, and it would be entirely contrary to the spirit of the Act to require him to be guided by orders from the Collector or Commissioner or by previous estimates of value. Government can of course issue any orders they please with regard to estimates, but notwithstanding the consideration mentioned in paragraph 5 of the Circular it would, it seems to the Governor in Council, be objectionable for them to restrict by rules in their own favour the officer who is appointed to make awards under the Act. As long as the Land Acquisition Act remains as it now stands, Government as well as any officers appointed to take up land for a public purpose are bound to act in obedience to its provisions and no rules inconsistent with the spirit of the Act issued to instruct an officer what compensation he should give and on what principles he should make his award would possess any validity. The Governor in Council can find nothing in the Act which authorizes the Commissioner or Government to interfere with the awards of the officer appointed to perform the functions of the Collector, and the appointment of a competent officer for the duty appears to be the only safe-guard.

"4. As regards rules under the Act for estimating the value of land, it is difficult to see what further principles can be laid down than those embodied in the Act, but if there are any other general principles they should be prescribed by the Supreme Government for the whole of India. The data on which value should be estimated vary to an infinite degree in different localities, and it is practically impossible to set forth in rules the multiplicity of facts which may be taken into consideration, while if the statement were not exhaustive it would probably be worse than useless. The award must be based on evidence, and it cannot be stated what evidence will be available in all or any sets of cases. A competent and careful officer will ascertain all the circumstances which in a particular case indicate the value, and although there is no distinct provision on the subject in the Act there appears to be no reason why an officer on behalf of Government, either a law officer or another, should not put before the officer making the award any evidence which indicates that too much is claimed."

A. M. T. JACKSON,  
Under Secretary to Government.

No. 4791.

POLITICAL DEPARTMENT.

Bombay Castle, 3rd August 1897.

RESOLUTION.—A copy of the above Resolution should be forwarded to all Political Officers to whom Government Resolution No. 7286, dated the 21st November 1895, was communicated.

S. W. EDGERLEY,  
Secretary to Government.

To  
The Commissioner in Sind,

J. 2236  
12872

The Commissioner, N. D.,  
 The Commissioner, C. D.,  
 The Commissioner, S. D.,  
 The Political Resident, Aden,  
 The Political Agent, Káthiáwár,  
 The Political Agent, Kolhápur and Southern Marátha Country,  
 The Political Agent, Rewa Kántha,  
 The Political Agent, Cutch,  
 The Political Agent, Mahi Kántha,  
 The Political Superintendent, Pálanpur,  
 The Political Superintendent, Sávantvádi,  
 The Agent to His Excellency the Governor at Surat,  
 The Collector and Political Agent, Khándesh,  
 The Collector and Political Agent, Sátára,  
 The Collector and Political Agent, Thána,  
 The Collector and Political Agent, Kolába,  
 The Collector and Political Agent, Dhárwár,  
 The Collector and Political Agent, Kaira,  
 The Collector and Political Agent, Sholápur,  
 The Collector and Political Agent, Poona,  
 The Collector and Political Agent, Násik.

Ho 6921 Lharwar  
 10 August 1897.

Copy forwarded to the  
 Assistant Political Agent for  
 information.

B. K. S. h  
 Head clerk  
 J

*Procedure to be observed in dealing with estimates for the construction of Railways in Native States together with agreements for working the same, and also in respect to indents on England for the necessary stores and materials.*

No. 2221 of 1897.

P. W. Department,  
Railway.

Bombay Castle,  
19th August 1897.

Memorandum from the Secretary to the Government of India, Public Works Department, No. 1204 R. C. dated 17th July 1897.

Forwards, for information, copy of the following letter No. 1203 R. C. dated 17th July 1897, to the address of the Senior Government Inspector of Railways, Bombay:—

"I am directed to forward, for information, a copy of Public Works Department letter No. 1033 R. C. dated 26th October 1889, to the Government of Bombay, communicating the orders of the Government of India in regard to the procedure to be observed in dealing with estimates for the construction of railways in Native States together with Agreements for working the same, and also in respect to indents on England for the necessary stores and materials.

"2. The Government of India have noticed that in certain recent instances the permanent-way materials for railways in Native States have been ordered or obtained direct from England by the Darbárs concerned, without the previous knowledge of Government and sometimes in advance of any authority for the construction of the railway. I am directed to remind you that the sanction of the Government of India to the construction of a railway is always necessary in the first instance and to state that it is generally preferable that all materials required from England should be obtained through the agency of one of the existing Railway Companies or of the India Office Store Department.

"3. The inspection of a railway under the provisions of Chapter II. of the Indian Railways Act (IX. of 1890), whether as in force in British India or as applied to railway lands in Native States over which jurisdiction has been ceded or as adopted, in accordance with the rule to that effect, by Darbárs in the case of lines in Native territory over which jurisdiction has not been ceded, empowers the Government Inspector to call for certificates of the examination and testing of any material manufactured in India or in England on behalf of any Native States if he considers it necessary, and I am directed to point out that in cases where a Native State has imported the permanent-way or other materials direct it will be necessary, before passing any railway as fit for opening to public traffic, to call for full particulars as to the arrangements made for the examination on behalf of the Darbár of such permanent-way or other materials and to satisfy yourself and report that such examination has been made by competent inspectors either during the manufacture of the materials or before they are laid in the road."

*File*  
RESOLUTION.—To be communicated to the Political Department and to the Consulting Engineer for Railways for information and guidance, with reference to Government Resolution No. 2569 dated 27th November 1889, with which copies of the Government of India communication No. 1033 R. C. dated 26th October 1889 were forwarded.

2. Copies to be also forwarded to the Agents to the Governor General for Rájputána, Central India and Baroda and to the Residents at Hyderabad and in Mysore for information.

J. ADAM,  
Offg. Under Secretary to Government.

No. 5671.

POLITICAL DEPARTMENT.

Bombay Castle, 16th September 1897.

RESOLUTION.—Copies of the above Resolution should be forwarded to all Political Officers for information and guidance with reference to Government Resolution No. 739, dated the 4th February 1891.

S. W. EDGERLEY,  
Secretary to Government.

To

The Commissioner in Sind,  
The Commissioner, N. D.,  
The Commissioner, C. D.,  
The Commissioner, S. D.,  
The Political Agent, Káthiáwár,  
The Political Agent, Kolhápúr and Southern Marátha Country,  
The Political Agent, Rewa Kántha,  
The Political Agent, Cutch,  
The Political Agent, Mahi Kántha,  
The Political Superintendent, Pálanpur,  
The Political Superintendent, Sávantvádi,  
The Agent to His Excellency the Governor at Surat,  
The Collector and Political Agent, Khándesh,  
The Collector and Political Agent, Sátára,  
The Collector and Political Agent, Thána,  
The Collector and Political Agent, Kolábá,  
The Collector and Political Agent, Dhárwár,  
The Collector and Political Agent, Kaira,  
The Collector and Political Agent, Sholápur,  
The Collector and Political Agent, Poona,  
The Collector and Political Agent, Násik,  
The Public Works Department of the Secretariat (Railway).

No 7887. Harwar

21 September 1897

Copy forwarded to the Assistant  
Political Agents for information and  
for communication to the Diwan.



*Receivable*  
*Heads Clerk*

Forwarded to the Diwan of Harwar for  
information and return.

*Proposed construction of a metre gauge railway from Songhad Station on the Bhavnagar-Gondal-Junágad-Porbandar Railway to Pálitána, negatived.*

*Government of India prefer that projects should be submitted through the Local Government.*

No. 2317 of 1897.

P. W. Department,  
Railway.

Bombay Castle,  
30th August 1897.

Read again Government Resolution No. 1076 dated 10th April 1897.

Letter to the Secretary to the Government of India, Public Works Department, No. 2066 dated 29th July 1897, regarding a proposal by Messrs. Manilal, Muguulal & Company, submitted direct to the Government of India, to construct a metre gauge railway from Songhad Station on the Bhavnagar-Gondal-Junágad-Porbandar Railway to Pálitána.

Memorandum from the Secretary to the Government of India, Public Works Department, No. 1298 R. C. dated 7th August 1897.

Forwards copy of a letter No. 1297 R. C. dated 7th August 1897, addressed to Messrs. Manilal, Muguulal & Company, negativing their proposal to construct a railway from Songhad to Pálitána. The Government of India remark that:—"It is open to private promoters to submit projects for Railways under the Branch Lines terms direct to the Government of India, but that it would be preferred that such proposals were to be submitted through the Local Government with their opinion; and that of the Railway Administration and of the local officers or Native States concerned."

RESOLUTION.—To be communicated to the Political Department and to the Consulting Engineer for Railways for information.

2. A copy to be also forwarded to the Commissioners of Divisions and in Sind, the Chambers of Commerce, Bombay and Karáchi, and the Editors' Tables for information, with reference to the foregoing remarks by the Government of India.

J. ADAM,

Offg. Under Secretary to Government.

No. 5968.

POLITICAL DEPARTMENT.

Bombay Castle, 30th September 1897.

RESOLUTION.—A copy of the above Resolution should be forwarded to the Political Agent, Káthiáwár, for information.

2. Copies should also be forwarded to all Political Officers for information and guidance with reference to paragraph 2 of the Resolution.

S. W. EDGERLEY,  
Secretary to Government.

To

The Commissioner in Sind,  
The Commissioner, N. D.,

[P. T. O.]



The Commissioner, C. D.,  
 The Commissioner, S. D.,  
 The Political Agent, Káthiáwár (with copies of the accompaniments to the Resolution),  
 The Political Agent, Kolhápúr and Southern Marátha Country,  
 The Political Agent, Rewa Kántha,  
 The Political Agent, Cutch,  
 The Political Agent, Máhi Kántha,  
 The Political Superintendent, Palanpur,  
 The Political Superintendent, Sávantvadí,  
 The Agent to His Excellency the Governor, Surat,  
 The Collector and Political Agent, Khándesh,  
 The Collector and Political Agent, Sátára,  
 The Collector and Political Agent, Thána,  
 The Collector and Political Agent, Kolába,  
 The Collector and Political Agent, Dhárwár,  
 The Collector and Political Agent, Kaira,  
 The Collector and Political Agent, Sholápur,  
 The Collector and Political Agent, Poona,  
 The Collector and Political Agent, Násik,  
 The Public Works Department of the Secretariat, (Railway).

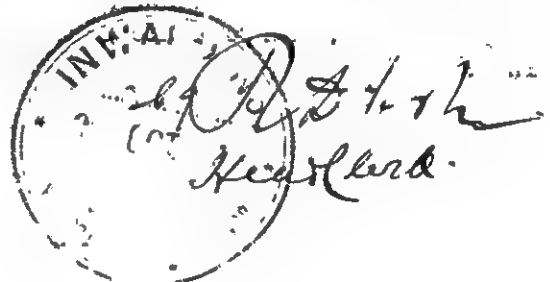
No 8278 Whamwar

9 October 1897

Copy forwarded to the Assistant

Political Agent for information.

filed  
19.10.97



a p b

**Acts.**

Act IX of 1890 (Indian Railways Act).

Procedure to be observed by District Magistrates in cases in which inadequate punishments have been awarded for wrecking or attempting to wreck trains.

No. 7785.

JUDICIAL DEPARTMENT.

Bombay Castle, 23rd October 1897.

Letter from the Secretary to the Government of India, Home Department, Judicial, No. 1241, dated the 16th September 1897:—

"The attention of the Government of India has recently been drawn to certain cases of attempts to wreck trains on Indian Railways, in which the sentences inflicted by the Magistracy have not always seemed adequate. In one such case of recent occurrence, a Sub-Divisional Magistrate convicted the accused and sentenced him under Section 128 of the Indian Railways Act to rigorous imprisonment for four months, but the High Court, to whom a motion was made, considered the sentence to be inadequate and enhanced it to two years' rigorous imprisonment.

"2. It is, in the opinion of the Governor-General in Council, important that the serious nature of such an offence as that of train-wrecking (for which indeed Section 126 of the Indian Railways Act provides a most heavy penalty) should be fully realized, and that in the interests of the safety of the travelling public, the punishments inflicted should be deterrent. His Excellency in Council accordingly trusts that when cases such as that referred to in paragraph 1 of this letter occur, the Local Government or Administration concerned will cause the necessary steps to be taken to secure the award of a proper sentence."

RESOLUTION.—Copy of the letter from the Government of India should be forwarded to all District Magistrates (including those in Sind) and to the Chief Presidency Magistrate, and they should be requested to bring to the notice of the High Court any cases of wrecking trains where inadequate sentences have in their opinion been passed.

2. Copy of the letter should also be forwarded to the Political Department.

(Signed) S. L. BATCHELOR,  
Under Secretary to Government.

No. 7405.

POLITICAL DEPARTMENT.

Bombay Castle, 4th December 1897.

RESOLUTION.—Copies of the above Resolution should be forwarded to all Political Officers through whose jurisdiction Railways pass, for information and guidance.

S. W. EDGERLEY,  
Secretary to Government.

To

The Commissioner in Sind,  
The Commissioner, N. D.,  
The Commissioner, C. D.,  
The Commissioner, S. D.,  
The Political Agent, Káthiáwár,  
The Political Agent, Kolhápur and Southern Marátha Country,  
The Political Agent, Rewa Kántha,  
The Political Agent, Mahi Kántha,  
The Political Superintendent, Pálanpur,  
The Agent to His Excellency the Governor at Surat,  
The Collector and Political Agent, Satára,  
The Collector and Political Agent, Dhárwár,  
The Collector and Political Agent, Sholápur,  
The Judicial Department of the Secretariat.

*No 10313 Dharwar  
14 Dec 1897  
Copy forwarded to the Assistant Political Agents*

*Orders relating to the acquisition of land for  
the construction of railways.*

No. 2587 of 1897.

P. W. Department,  
Railway.

Bombay Castle,  
1st October 1897.

Read—

Government Resolution No. 1685, dated 25th August 1892.

Read also—

Government Resolution No. 2325, dated 31st October 1895.

Circular from the Government of India, Public Works Department, No. IV Railway, dated 4th September 1897:—

“ Read—

Public Works Department Circular No. VI Railway, dated 7th July 1892.

„ „ „ No. XI Railway, dated 21st September 1895.

Read also—

Public Works Department Code, Volume I, Chapter IX, paras. 20 to 26.

The Indian Railways Act, No. IX of 1890.

The Land Acquisition (Mines) Act, No. XVIII of 1885.

The Land Acquisition Act, No. 1 of 1894.

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The enclosed orders which were promulgated with Government of India Circular No. VI Railway, dated 7th July 1892, are re-published, with corrections and additions that have since been published, for general information and guidance.

2. Special attention is invited to the instructions for the preparation of estimates of the cost of land, laid down in Government of India Circular No. XI Railway, dated 21st September 1895, printed at the beginning of these orders.

3. It will be incumbent on Consulting Engineers to endeavour to avoid the location of the railway line upon land, the acquisition of which will entail either unnecessary expenditure on Government, or annoyance to the owners, if the object sought can be equally well attained by a slight alteration of the alignment, or in some other manner. The Consulting Engineers and the local revenue officers are responsible that, in taking up land, the fullest consideration is given both to the convenience of the proprietors and to the interest of Government.

4. As the orders under the Act for the acquisition of land vary under different Local Governments, the Civil officers should be invariably consulted as to any special requirements particularly with reference to paras. 25, 26, 31, 32 and 33 of the orders.”

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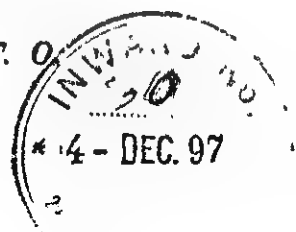
RESOLUTION.—To be communicated to all concerned for information and guidance.

J. ADAM,

Offg. Under Secretary to Government.

Memorandum from the Public Works Department (Railway), No. 2964, dated the 9th November 1897.

[P. T. O.]



No. 7180.

## POLITICAL DEPARTMENT.

Bombay Castle, 23rd November 1897.

RESOLUTION.—Copies of the above Resolution, and of the Rules submitted therewith, should be forwarded to all Political Officers for information and guidance, with reference to Government Resolution No. 6890, dated the 4th November 1892.

S. W. EDGERLEY,  
Secretary to Government.

To

The Commissioner in Sind,  
The Commissioner, N. D.,  
The Commissioner, C. D.,  
The Commissioner, S. D.,  
The Political Agent, Káthiáwár,  
The Political Agent, Kolhápur and Southern  
Marátha Country,  
The Political Agent, Rewa Kánthá,  
The Political Agent, Cutch,  
The Political Agent, Mahi Kánthá,  
The Political Superintendent, Pálanpur,  
The Political Superintendent, Sávantvádi,  
The Agent to His Excellency the Governor, Surat,  
The Collector and Political Agent, Khándesh,  
The Collector and Political Agent, Sátára,  
The Collector and Political Agent, Thána,  
The Collector and Political Agent, Kolába,  
The Collector and Political Agent, Dhárwár,  
The Collector and Political Agent, Kaira,  
The Collector and Political Agent, Sholápur,  
The Collector and Political Agent, Poona,  
The Collector and Political Agent, Násik,  
The Public Works Department of the Secretariat (Railway).

With copies of the  
Rules.

No 9829 Dh auror

30 November 1897.

Copy, with copy of the Rules, forwarded  
to the Assistant Political Agent for  
information, and for communication to  
the Diwan.

No 257 of 1897

Forwarded to the Diwan --  
of Sanam for information Head Clerk.

4 return

1897.

Handwritten signature

Assistant Secy

No 45 of 1897-98.

Savanur 21<sup>st</sup> of December 1897

Returned with compliments.

2. The undersigned begs respectfully  
to state that a copy of the rules returned  
herewith will now and then be required  
in this office for references, and therefore  
to request that the Assistant Political  
Agent will be kind enough to cause a  
spare copy of the same to be furnished  
to this office.



8/1/88

*[Signature]*

bivan of Savanur.

Re

- a spare copy is filed here

There is very little likelihood of a railway  
being constructed through Savanur territory  
for many years to come. I have no opinion  
of any sort.

30.12.97  
8-1-88

*[Signature]*

## RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS.

### PREPARATION OF ESTIMATES OF THE COST OF LAND REQUIRED FOR RAILWAY OR OTHER LARGE PUBLIC PROJECTS.

Government of India, P. W. D., Circular No. XI Railway, dated 21st September 1895.

Cases have recently come to the notice of the Government of India in which the cost of land taken up for railway purposes has exceeded by several hundreds per cent. the cost shown in the detailed estimates; and while in some cases this difference appears to have been due to the inadequacy of the estimates, in others it was certainly caused, at least in part, by the exorbitant nature of the Collector's award under the Land Acquisition Act. It appears, therefore, advisable to issue instructions with the view of securing greater accuracy in the estimates and closer supervision over the awards, when land is taken up for large public projects, of whatever nature.

2. In paragraph 7, Chapter V, of the Rules for the preparation of railway projects, it is laid down that the data for the preparation of estimates of the cost of land should be obtained from the Civil authorities who are responsible for the valuation and assessment of all land taken up for public purposes. This rule has not always been observed in recent instances. Its observance is most important, as the Public Works Department authorities are not in a position to frame an estimate with any approach to accuracy.

3. The Civil authorities should, therefore, be in all cases requested to furnish data in the shape of rates per acre. This, however, they cannot do unless they are furnished with information as to the situation of the land to be taken up, as it is impossible to quote rates which shall be even approximately true for the whole of a large tract. A separate sketch map should, therefore, be furnished for each district traversed by the railway, canal, or other work, showing the exact course of the centre line of the land to be taken up, with reference to villages and towns. This map should be to a scale of one inch to the mile and should show village boundaries wherever they have been surveyed. The distances should also be marked upon it, and the average width of the strip to be taken up should be stated. For land near towns, or which for other reasons is likely to have a specially high value, a map to a sufficiently large scale should be prepared, showing the approximate boundaries of the land likely to be required, with a note of any valuable trees, buildings or other property for which compensation will have to be paid in addition to the price of the land itself. The Civil authorities' data will then take some such form as the following:—

Miles.	RUPEES PER ACRE.			REMARKS.
	CULTIVATED.		Uncultivated.	
	Irrigated.	Unirrigated.		
3—15	80*	30	10	Town lands of Rampur.†
15—17	300	120	30	
17—27	50	25	5	

\* NOTE.—Land under tea will average about Rs800 per acre.

† NOTE.—Land within municipal limits will cost about Rs900 an acre; and in the town itself, say, Rs3 a square yard.

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Preparation of Estimates for Land.

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4. When the work is confined to a single district the application should be made to the District officer; when it extends to more than one district, but lies within a single division, to the Commissioner; when to more than one division, to the chief revenue authority of the province. When the estimated value of the land exceeds ₹25,000 in any district, or one lakh in any division, the data must be forwarded to the Public Works Department authorities through the Commissioner or chief revenue authority respectively, who will countersign them and be responsible for them.

5. General rules should be framed in every province for the guidance of officers in estimating the value of land taken up under the Land Acquisition Act. It must be remembered that, while the owner of the land possesses the power of appeal from the award of the Collector, Government is deprived of that power, solely because it possesses executive control over his operations; and it is most important that such control should be efficiently exercised in the interests of the general taxpayer. The rules should lay down the data which should be collected and the principles upon which the award should be based.

6. When any considerable area of land is to be taken up for public purposes, a special officer should be deputed for the purpose, and care must be taken in his selection. Any special instructions that may be considered necessary in addition to the general rules above mentioned should be carefully framed for his guidance, as for instance when land under tea or indigo has to be taken up. He should be furnished with the data mentioned in paragraph 3, and provision should be made for the exercise of effective control over his operations by the Collector of the district, to whom all his awards should be reported, so far as to show the area, kind of soil, rate per acre, and total amount in each case. Provision should be made that, in case of any proposed award exceeding largely the estimated rate, and the award being such that it will be the basis of or constitute a precedent for any very considerable expenditure, it should be reported for the Collector's approval *before* being announced. And if in the course of his proceedings the special officer finds that his awards are likely to exceed the aggregate estimate for the district by, say, 25 per cent. or more, a report should be submitted through the Collector to the Commissioner (and if the excess involved exceeds a lakh of rupees, to the Local Government) and further announcement of awards suspended till the latter's orders are received.

7. Whenever it is found that the original rates were materially under-estimated, and no sufficient reason is apparent, the officers responsible for them should invariably be called on to explain, as in no other way can the importance of framing the original estimates with care be effectually brought home to them.

8. Such are the general principles which the Government of India desire to see observed in the matter. The conditions of the several provinces vary so widely that details must be left to Local Governments. But all Local Governments and Administrations should proceed to frame rules giving general effect to the above principles and indicating the points as to which supplementary instructions will be required, based upon the circumstances of each individual case.

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Classification of Railway Land.

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RULES RELATING TO THE ACQUISITION OF LAND FOR RAILWAYS.

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Classification of Railway Land—

I.—Railways constructed by Government.

1. On Railways constructed by Government land is divided into two classes, *vis.* :—

*I.—Permanent Land.*

*II.—Temporary Land.*

2. *Permanent Land.*—Land which will be required permanently after the Railway is open for traffic and the work of construction is complete. Under this head will be included all land to be occupied by the formation of the permanent line of Railway, with side-slopes of banks and cuttings, and the berms connected therewith; the entrances to tunnels and shafts belonging to the same; the sites of bridges and protection or training works; station-yards; landing places for Railway ferries; ground to be occupied by works belonging to the Railway, such as gas-works, arrangements for water-supply, etc.; ground for the storage, manufacture, or acquisition of materials; land for cemeteries, plantations, gardens, and recreation grounds; sites for permanent stations, offices, workshops, dwelling-houses and other buildings required for the purposes of the Railway, or the accommodation of the staff, with the grounds, yards, roads, etc., appertaining thereto.

Under this head will also be classed land which will be permanently occupied by the diversion of roads or rivers, or for other works undertaken for public purposes incidental to the construction of the Railway, although such land will cease to be held by the Railway authorities on the completion of the works.

3. *Temporary Land.*—All land which is required for temporary purposes only, and which is relinquished after the work of construction is complete.

II.—Railways constructed by Companies.\*

4. On Railways constructed by Companies land is divided into four classes, *vis.* :—

*I.—‘Class A’ land.*

*II.—‘Class B’ land.*

*III.—‘Class C’ land.*

*IV.—‘Class D’ land.*

5. *‘Class A’ Land.*—Land which the Company receives for permanent occupation free of charge under its contract or other arrangement with Government. Under this head is included all land required for the permanent works of the Railway, including the formation of the line with its side-slopes, berms, bridges, etc.; and for all stations, workshops, permanent store-houses, and the like, necessary for the line when opened, and which, under the contract or other arrangement, is to be provided by Government free of cost to the Railway Company. The occupation of this land by the Company will be so far permanent that it will cease only when the contract is terminated or surrendered and the whole lapses to Government.

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\* The classification given here would apply fully only in the case of a Railway for which land was taken up on terms similar to those adopted for the old Guaranteed Companies. The conditions under which land is occupied by other Railway Companies in India vary according to the terms of their respective contracts (or other arrangements) and are in some cases practically the same as specified above for Railways constructed by Government. For the exact text of the rules laid down for the old Guaranteed Companies, see reprint of Government of India, P. W. Dept., Circular No. 55, dated 29th June 1861, given as Appendix C (page 14).



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Amount of land required.

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6. '*Class B*' Land.—Land which the Railway Company receives for temporary occupation free of charge under its contract or other arrangement with Government. Under this head is included all land essential for the execution of the permanent works of the Railway, but not required after the completion of the line in part or whole. Such is land for spoil-banks, for extra excavation to make banks, and for the storage of material held in stock by the Railway Company pending the construction of the line or their despatch to the works.

7. '*Class C*' Land.—Land which the Railway Company has to provide at its own cost. Under this head is included land which is required for the provision or preparation of materials, for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognises as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. '*Class C*' land will be taken up by Government and handed over to the Railway Company for occupation at a fixed rental.

8. '*Class D*' Land.—Land which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company at all. Under this head is classed land required *outside* the Company's boundary, for the diversion of roads or rivers, and for the construction of roads which are made for public purposes and which will not afterwards be maintained by the Company. '*Class D*' land will be provided by Government free of charge.

## Amount of land required—

9. In estimating for the amount of land to be taken up for a Railway, care should be taken to make provision not only for the land which will be required permanently for the purposes of the open line (such as those indicated on page 3 under '*Permanent Land*'), but also for such land as will be required during construction only, for spoil-banks, side-cuttings, quarries, stacking and preparation of material, temporary offices, workshops and quarters, and for temporary purposes generally, to be relinquished after the work is complete.

10. Land is everywhere (except under the special sanction of the Government of India previously obtained) to be provided of a width sufficient to allow of the line being doubled. For this purpose the *minimum* width required for the '*Permanent land*' (in the case of a Railway constructed by Government) or '*Class A land*' (in the case of a Railway constructed by a Company) under ordinary circumstances is as follows\* both for the 5 ft. 6 in. and for the metre gauge:—

Embankment	.	70 feet + 2 slopes.
Cutting	.	76 feet + 2 slopes.

11. It is to be remembered that the width here specified is, in each case, the *minimum*, and that it may frequently be necessary to arrange for extra land which will be required *after the line is open*, for repairs to embankments, for stacking material, or for other purposes. Land so provided would be *additional* to the minimum permanent land shown on the diagram, and during the construction of the line should be reserved and kept free from excavation or spoil.

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\* For details see sections showing widths of land to be taken up, Appendix A, pages 10 and 11. The ditch shown on these sections need not be dug, unless required; but whether the ditch is required or not, a width of *not less than 24 feet* must in every case be preserved from toe of slope to edge of side-cutting, or from edge of cutting to foot of spoil-bank.

Land for a Railway on the metre-gauge should ordinarily be taken up of the full width required for the 5 ft. 6 in. gauge, as specified above. In special cases, however, where it may be considered as practically certain that the Railway will, at no future time, be converted to the 5 ft. 6 in. gauge, the width given in the diagram for metre-gauge may be worked to.

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General arrangement, side-widths, etc.—Plans to be made.

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12. At station-yards the cutting or filling for the formation of the main line and sidings may sometimes be arranged for in the general levelling and improvement of the plot of ground to be permanently acquired. Where this cannot be done, provision should be made *outside* the proposed boundary of the station-yard for such additional land as may be required for side-cuttings or spoil-banks.

13. Where a piece of ground is to be reserved for a plantation or other similar purpose, care should be taken that proper arrangements are made for sufficient land, outside and distinct from such piece of ground, for the side-cuttings or spoil-banks which may have to be provided for.

14. In making provision for land for side-cuttings, the width will, under ordinary circumstances, depend upon the nature of the soil, height of bank, facilities for getting earth, and other local conditions. Under special circumstances, as, for example, in the neighbourhood of large towns or where land is unusually expensive, it may be advisable to equalize the quantities for cutting and filling, and take the material for banks from the adjacent cuttings.

General arrangement, side-widths, etc.—

15. For the line between stations, the general arrangement shewn on the sections,—Appendix A, pages 10 and 11, is to be followed, and the side-widths set out accordingly.

16. Where practicable, for low banks or shallow cuttings, the land taken up for side-cuttings or spoil-banks should be on one side of the line only.

17. In setting out land for side-cuttings, arrangements should be made for berms at suitable intervals to allow convenient access to the line during construction, and to prevent the side-cuttings ultimately developing into water-courses alongside the embankment. A width of 40 feet in a length of 200 feet is generally suitable for this purpose; that is to say each excavation would be 160 feet long, and separated from the next excavation by an interval of 40 feet of undisturbed earth.

18. In setting out land for spoil-banks, care should be taken to leave sufficient space for arrangements for drainage and for catch-water drains, where required, to prevent surface water from the adjacent land running down the slopes of the cutting.

19. The sides of spoil-banks and side-cuttings, next the line, are to be sloped off (as shewn on the sections, Appendix A, pages 10 and 11) before the earthwork is finished, and in setting out side-widths the distance allowed to the nearest part of the excavation or spoil must be such as to preserve the specified width of strip of clear unbroken ground *after* this sloping has been carried out.

20. In arranging the side-widths, the line for the fencing and for the inner edge of side-cutting or spoil should be continued straight in portions as long as practicable. That is to say, these lines should follow the *average* variation in height of bank or depth of cutting over considerable lengths, not be made to zig-zag to suit the local variation at each chain peg. Where the variation in side-widths would be comparatively unimportant it will often be advisable to neglect such local variations entirely, and take up the land in a parallel strip for some distance.

Plans to be made—

21. To enable the Civil authorities to take action for the acquisition of land required for Railway purposes, it is necessary\* that proper plans should be made for reference by all concerned.

22. The scale for these Land Plans should, under ordinary circumstances, be 400 feet to 1 inch; but where this would not admit of sufficient detail being shewn with clearness, the scale should be 100 feet to 1 inch.

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\* See Land Acquisition Act, 1894, sections 6 and 8.

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### Plans to be made.

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23. The data for the preparation of the Land Plans should generally be obtained during the progress of the survey for the location of the line, and the general instructions for the preparation of plans to accompany a project for a Railway, when submitted to the Government of India, are to be held to apply also to plans required for the acquisition of the land necessary for the construction of the Railway.\*

24. The following *additional* information is to be supplied on the Land Plans:—

- (a) In the case of a Railway to be constructed by Government, or by a Company under the terms of whose contract land is divided into two classes, 'permanent' and 'temporary,' the plans made out for the first acquisition of the land will show the outer boundary line; and all land, for whatever purpose it may be required, will be taken up as for permanent occupation. This land will be distinguished on the land plans by being coloured pink.

*N.B.*—This rule applies only to the copies of the plans made for the Civil authorities for use on the acquisition of the land, and is not intended to prevent Engineers from marking on their Office copies the intended disposition of the land as 'permanent' and 'temporary,' or any other information which may be found convenient for use during construction, or for the purpose of the estimate.

As early as practicable, after the line is opened, and it is known definitely what land can conveniently be relinquished, the original plans will be corrected (or fresh plans made), shewing the boundaries of the land required for permanent occupation ('Permanent Land'), and also those of the land to be relinquished ('Temporary Land'). On these latter Land Plans, the two classes of land are to be distinguished by colour as follows:—

*Permanent Land—Pink.*

*Temporary Land—Yellow.*

- (b) In the case of a Railway constructed by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C and D as defined on page 3 of these rules, or under other conditions of a like nature, the plans made out for the first acquisition of the land will show clearly the boundaries of the land to be taken up under *each* of these classes.

As early as practicable, after the line is opened, the original plans will be corrected (or fresh plans made), shewing the disposition of the land as determined after the work of construction is completed.

On these Land Plans, the four classes of land are to be distinguished by colour as follows:—

*Class A Land—Pink.*

*Class B Land—Yellow.*

*Class C Land—Purple.*

*Class D Land—Green.*

- (c) Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land. A corresponding entry should in each case be made on the nearest main sheet to draw attention to the detached plot.
- (d) On all Land Plans, whether made out under clause (a) or under clause (b), the position of the boundary of each class of land is to be determined by dimensions written on the plan; these dimensions to be sufficiently complete to enable such boundaries to be, at any time, readily ascertained or verified.
- (e) The names of villages to which the land belongs are, in each case, to be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the Railway line the names are to be repeated on the other side of the Railway line, and the chainage of the crossing point noted.
- (f) When boundary marks have been erected for the demarcation of the land occupied by the Railway, the position and corresponding number of each detached boundary mark is to be shown on the Land Plans.

25. The Land Plans are to be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a Collector or Deputy Commissioner (or length of Native State). On each end sheet (first and last) of every set of Land Plans, a

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\* See Rules for the preparation of Railway Projects, pages 9 and 10.

### Acquisition of Land.

sufficient portion of the continuation sheet of the next set should be repeated, to enable the two sheets to be connected or traced together, if required. For each set of Land Plans the sheets are to be numbered consecutively throughout, and the name of the Civil district (or Native State) to which the set belongs, is to be marked conspicuously on *each* sheet.

26. For a Railway constructed by Government, the minimum number of sets of Land Plans required is two, *viz.*, one for the Civil authorities and one for the Railway. For a Railway constructed by a Company, the minimum number of sets of Land Plans required is three, *viz.*, one for the Civil authorities, one for the Railway, and one for the Consulting Engineer.

27. Each set of Land Plans is to be signed by the officer immediately responsible for its preparation, and by the Chief Engineer of the Railway. In the case of land required for a line already opened, the Manager will also countersign the plans before sending them on.

28. Land Plans are to be kept up to date either by adding to the existing plans or substituting new sheets as may be necessary. Each such addition or alteration is to be carefully checked by the officer in immediate charge of that portion of the Railway, and attested by his signature. It is to be understood that the Land Plans at any date must show a clear and accurate record of the land occupied by the Railway on that date.

29. A complete series of Land Plans for the whole line is to be kept in the office of the Chief Engineer of the Railway.

### Acquisition of Land—

30. All arrangements for the acquisition of land required for the construction of a Railway will be made by the local Civil officers.\*

31. To this end each Civil officer in charge of a district, in which land is required for Railway purposes, is to be furnished with particulars of such land, as follows :—

- (a) A complete set of Land Plans prepared in accordance with the instructions given above.
- (b) A complete set of schedules prepared in the form given as Appendix B (see pages 12 and 13).

32. On receipt of sanction for the construction of the Railway, a statement containing the following information should at once be sent to the Secretary to the Local Government or Administration, with a request that the notification required under Section 6 of the Land Acquisition Act of 1870 may be inserted in the local official Gazette, and that the district Civil officers concerned may be instructed to arrange for the transfer of the land required :—

- (a) The name of the Railway.
- (b) A copy of the order of Government sanctioning the construction of the Railway.
- (c) A brief general description of the route to be followed by the Railway, with the names of the more important villages or towns through or near which it is intended that the Railway shall pass.
- (d) A list of the Civil districts in which land will be required for the purposes of the Railway, with the approximate area in acres of the land required in each.
- (e) For each Civil district the name or description of the place or places at which the Land Plans for that district will be available for inspection by the public.

33. With the statement above specified should also be sent, for the information of the Local Government or Administration, a general index plan to a scale of 1 mile to 1 inch, showing the route to be followed by the Railway.†

34. On receipt of the information specified above, the Local Government or Administration will publish in the local official Gazette the notification required under the provisions of Section 6 of the Land Acquisition Act of 1870, together with such statements as may be considered advisable under Section 3, clause 1 of the Land Acquisition (Mines) Act of 1885, and will instruct the local Civil Officers† to arrange for the acquisition of the land required, and its transfer to the Railway.

\* This rule is not intended to prevent preliminary enquiries regarding the probable cost of land being made by the Railway Officers direct from the owners.

† This index plan should be prepared in accordance with the instructions given on page 9 of the Rules for the preparation of Railway Projects under the head 'Index Plan and Section.'

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**Valuation and Payment—Land Relinquished.**

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35. When orders are received for the construction of the Railway, the land required should be properly marked out, unless this has already been done.

36. Except so far as may be necessary for the proper survey or marking out of the land required, work must not be commenced or damage done, materials deposited, or any excavation or demolition put in hand until the land has been formally made over, or unless approval in writing has been obtained from the local Civil authorities.

37. Where land required for Railway purposes forms part of a cantonment or camping ground, the Military authorities in the Quarter-Master General's Department should be consulted before steps are taken for the acquisition of such land.\*

38. In the case of a Railway to be constructed by a Company, all arrangements with the Civil authorities (or with the Political officers for Native States) for the acquisition of the land required will be made through the Consulting Engineer, who will be responsible that the proper procedure is followed, and that the Land Plans and Schedules are drawn up in accordance with these rules. All such Land Plans and Schedules will be furnished by the Company to the Consulting Engineer, in triplicate. The Consulting Engineer will countersign all three copies, and will then return one set to the Company and forward a second set to the Civil authorities, retaining the third set for record in his office.

**Valuation and Payment—**

39. The valuation of the land and assessment of all claims and payment for the same will be made by the Civil authorities.†

40. All land for Railway purposes, whether required temporarily or permanently, will be taken up in the first instance as for permanent occupation, and valued accordingly. It is to be understood that the distinction between 'Permanent' and 'Temporary' land, or 'Class A' and 'Class B' land, is merely of the nature of a forecast showing what the disposition of the land will probably be on completion of the work.

41. In the case of a Railway constructed by Government, or by a Company under the terms of whose contract land is divided into two classes 'Permanent' and 'Temporary,' the Railway will, in the first instance, be debited with the full cost of all land which may be acquired, and will afterwards be credited with the amount realised by the sale of such land as may be relinquished.

42. In the case of a Railway constructed by a Company, by the terms of whose contract (or other arrangement with Government) land has to be taken up under special classes A, B, C, and D, as defined on page 1 of these rules, or under other conditions of a like nature, 'Class C' land will be acquired by Government and leased to the Company, the rent being fixed at 5 per cent. on the cost of the land, plus any Government revenue with which the land may be chargeable. An annual settlement of accounts connected with the re-sale of 'Class C' lands will be made between Government and the Company; the Company bearing any loss owing to diminished value and being credited with any gain arising from enhanced value.§ Houses, trees, tanks, or other property, on land which is not provided free of charge, and for which special payment of compensation is necessary will be paid for at once by the Railway Company. In the case of land provided free of charge, the materials, etc., derived from the 'clearance' of the surface (which then will be at the expense of Government) will be disposed of by the Revenue officers to the best advantage.

**Land Relinquished—**

43. Land having been occupied for the purposes of a Railway, should, when no longer required, be made over to the local Civil authorities, who will arrange for its disposal. The sale proceeds of such land will be credited to the Railway, or head of account, to which its cost was originally debited.

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\* See Circular XI Railway of 1892, Appendix G.

† The procedure to be adopted by the Civil authorities and Accounts officers in connection with this work is laid down in Govt. of India, Fin. Dept., Resolution No. 1580, dated 25th June 1886.

§ This rule came into force in 1877, and does not apply to land for which, under the previous rules, an enhanced rent had been paid to allow for deterioration (*see Govt. of India P. W. Dept., Resolution No. 3755—60 K., dated 16th October 1877*).

Dealings with Native States—Demarcation of Land.

Dealings with Native States—

44. For land required in Native States the procedure laid down in these rules is to be adopted as far as applicable in every respect, the arrangements being made through the Political Officer. (*See also Appendix F, page 17.*)

Demarcation of Land—

45. The following rules for the demarcation of land have been laid down by the Government of India under Section 13 (a) of the Indian Railways Act of 1890.\*

- (a) All land permanently occupied for the purposes of a Railway shall have its boundaries defined on the ground in such a manner as to enable such boundaries to be readily ascertained and identified.
- (b) For this purpose the boundary of the Railway land may be defined by a continuous wall, fence, or ditch, or by detached marks, posts, or pillars.
- (c) Where the boundary mark is continuous, the boundary of the Railway land is to be on the outer edge of the wall, fence, or ditch; that is to say the wall, fence, or ditch will be situated wholly on Railway land.
- (d) Where detached marks, such as isolated posts or pillars, are used, the boundary of the Railway land will pass through the centres of such marks. Between the marks the boundary will in each case be taken in a straight line from the centre of one mark to the centre of the next mark.
- (e) Detached marks are in no case to be at a greater distance apart (centre to centre) than one-eighth of a mile (660 feet). They are to be of a substantial character, not easily destroyed or moved by accident or mischief, and are to be of such size and form as to be readily found and recognised.
- (f) Each detached boundary mark is to bear a number, and the position and corresponding number of each detached boundary mark is to be shewn on the Land Plan.
- (g) Where a fence, wall, or ditch is for convenience situated at some distance within the boundary, and does not mark the actual limit of the Railway land, it will be necessary that, in addition to such fence, wall, or ditch, the actual boundary of the Railway land shall be properly marked and defined in accordance with these rules.

46. In the case of a Railway constructed by a Company the expression 'land permanently occupied' is intended to include not only 'Class A' land, but also such 'Class B' and 'Class C' land as may be required for a considerable period. In the event of any 'Class B' or 'Class C' land enclosed by the boundary being afterwards relinquished, the boundary is to be shifted to mark the new limit.

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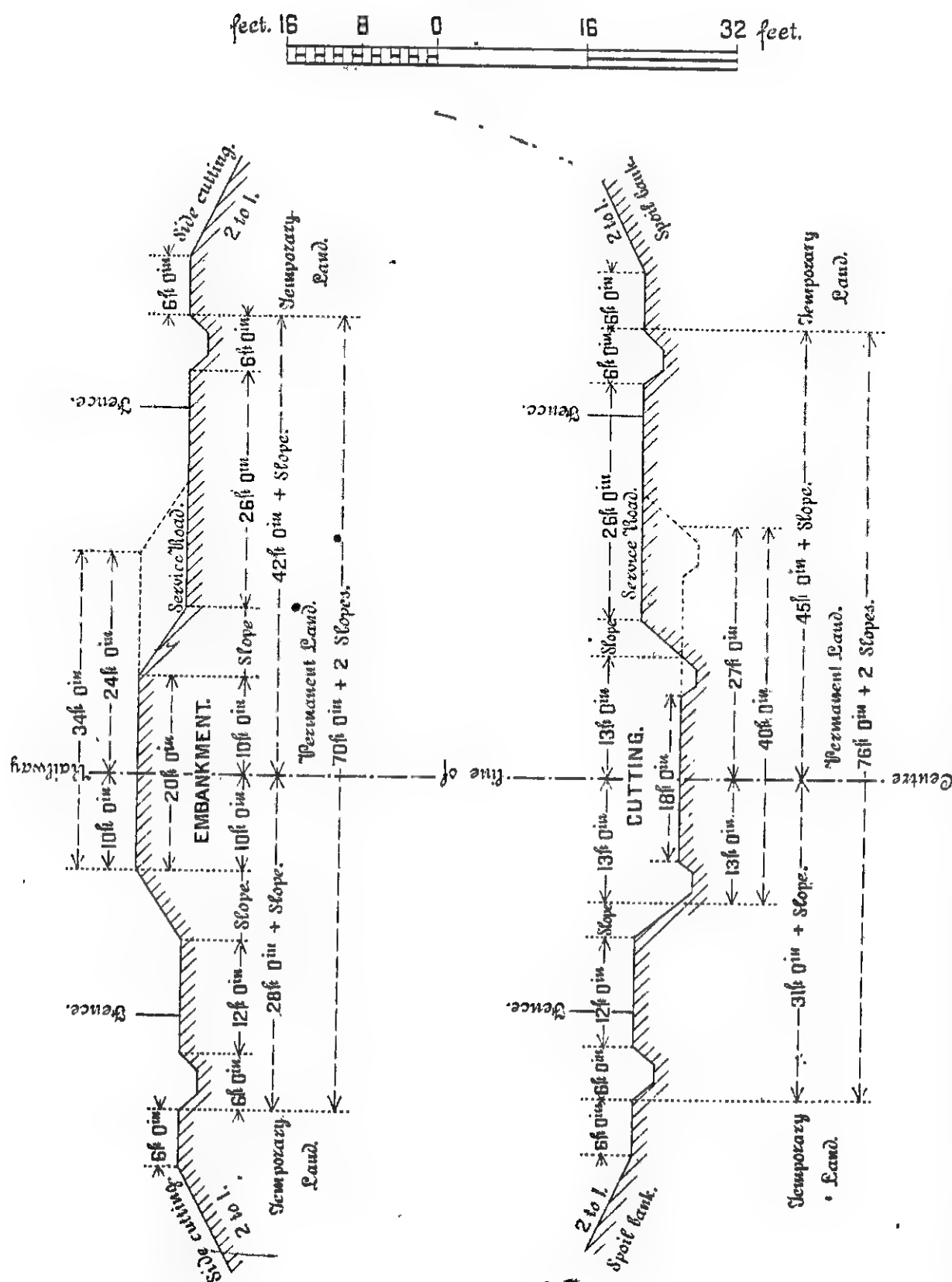
\* See Govt. of India, P. W. Dept., Circular No. XIV R., dated 6th August 1890.

GENERAL CROSS SECTIONS.  
SHOWING WIDTHS OF LAND TO BE TAKEN UP.  
5<sup>FT</sup> 6<sup>IN</sup> GAUGE.

Scale— $\frac{1}{16}$  inch to 1 foot.

(Rules relating to land).

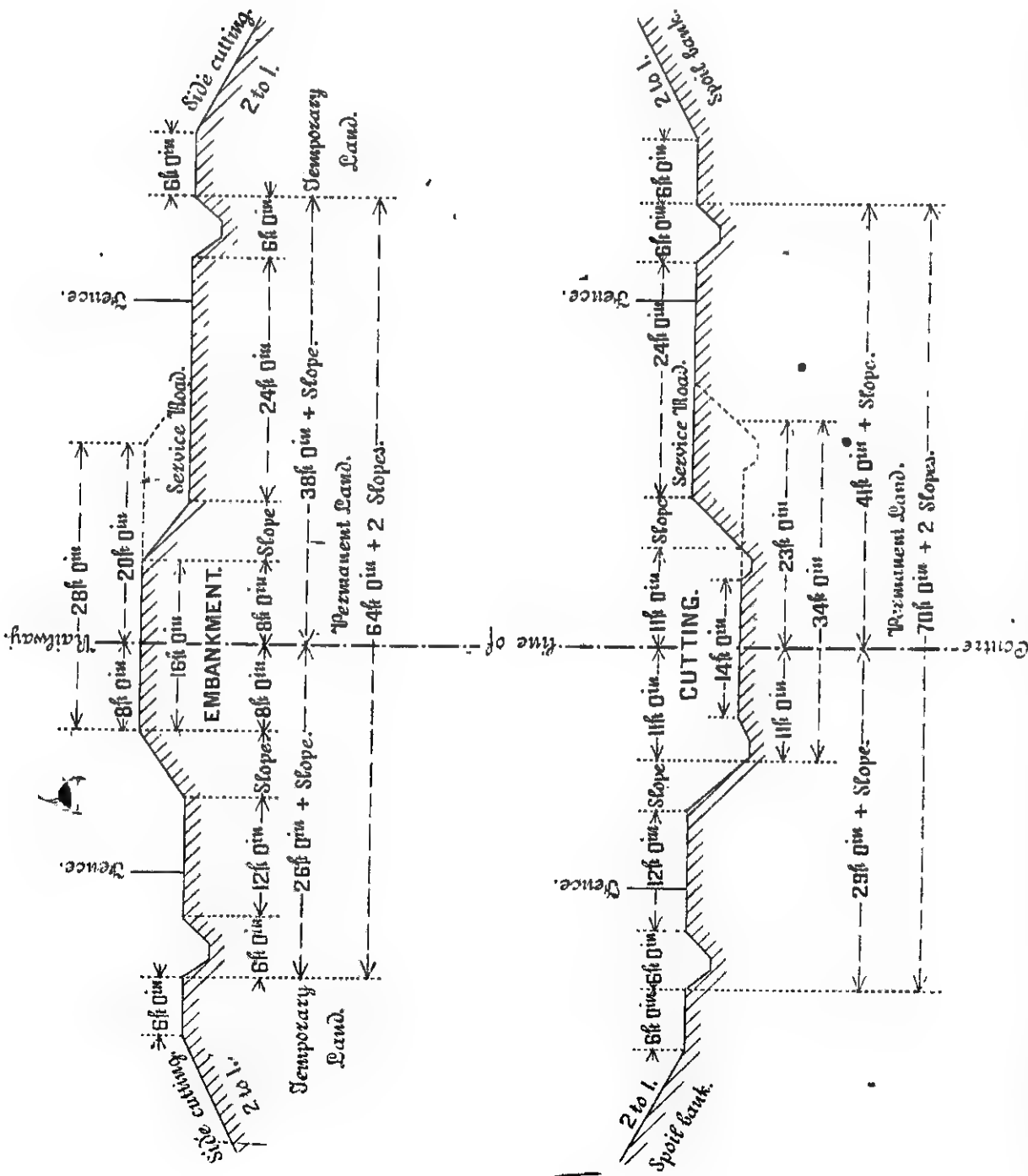
## Appendix A.



*NOTE.*—Under ordinary circumstances, the total width of land specified in this diagram should be taken up in all cases, whether the Railway be on the 5 ft. gauge or on the metre gauge (see foot-note, page 13).

# GENERAL CROSS SECTIONS. SHOWING WIDTHS OF LAND TO BE TAKEN UP. METRE GAUGE.

Scale —  $\frac{1}{16}$  inch to 1 foot.  
(Rules relating to land).  
Appendix A.



NOTE.—Under ordinary circumstances for a metre gauge line, the total width of land taken up should be that specified on the diagram for 5 ft 6 in gauge (see foot-note, page 16), and that diagram should be worked to in all respects, except as regards width of formation.



Appendix B.—Form of Schedule for Land Acquisition.

BANDA DISTRICT.  
Bilaspur Tahsil.

GONDA-AZIMGARH RAILWAY.

Azingarh Section.

Schedule shewing land required for Railway purposes in the  
Bilaspur Tahsil of the Banda District.

Name of Village—MANDWAL.

REFERENCE TO PLAN.		PURPOSE FOR WHICH THE LAND IS OCCUPIED.	AREA OF LAND REQUIRED.			
Set.	Sheet.		Class A (Pink). Acres.	Class B (Yellow). Acres.	Class C (Purple). Acres.	Class D (Green). Acres.
Set C—Banda District.	3	Main line from chainage 36,627 to chainage 38,900, land to be permanently occupied.	4'6963	...	...	...
	3	Same length for side cuttings	...	3'4309	...	...
	3	Extra land for stacking material, etc. at site of Bridge No. 57.	...	9'5500	...	...
	4	Mandwal Station-yard	28'0001	...	...	...
	4	Approach road to Mandwal Station	...	...	...	2'7548
	4	Site for temporary House and Office for Assistant Engineer	...	5'5096	...	...
	5	Brickfield to north of ridge opposite chainage 42,350.	...	...	11'2163	...
	6	Main line from chainage 41,440 to chainage 42,728, land to be permanently occupied.	2'4389	...	...	...
	6	Same length for side cuttings	...	1'5243	...	...
TOTALS			35'8313	19'7148	11'2163	2'7548

Azingarh,  
17th September 1891.

Consg. Engineer.

District Engineer.

Chief Engineer.

Appendix B.—Form of Schedule for Land Acquisition.

*BANDA DISTRICT.*  
*Bilaspur Tahsil.*

**GONDA-AZIMGARH RAILWAY,**

Azimgarh Section.

*Schedule shewing land required<sup>s</sup> for Railway purposes in the  
Bilaspur Tahsil of the Banda District.*

*Name of Village—MANDWAL.*

REFERENCE TO PLAN.		PURPOSE FOR WHICH THE LAND IS OCCUPIED.	AREA OF LAND REQUIRED (Pink). Acres.
Set.	Sheets.		
<i>Set C—Banda District.</i>	3	Main line from chainage 36,627 to chainage 38,900, land to be permanently occupied.	4'6963
	3	Same length for side cuttings . . . . .	3'1309
	3	Extra land for stacking material, etc., at site of Bridge No. 57 . . . . .	9'5500
	4	Mandwal Station-yard . . . . .	28'6961
	4	Approach road to Mandwal Station . . . . .	2'7548
	4	Site for temporary House and Office for Assistant Engineer . . . . .	5'5096
	5	Brickfield to north of line opposite chainage 42,350 . . . . .	11'2163
	6	Main line from chainage 41,440 to chainage 42,728, land to be permanently occupied.	2'4389
	6	Same length for side cuttings . . . . .	1'5243
TOTAL			69'5172

*Azimgarh,*  
*17th September 1891.*

*Executive Engineer.*

*Manager,*  
*(for open line State Railway.)*

*or* *Consgr. Engr.*  
*(for Company's Ry.)*

*Engr.-in-Chief.*

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Appendix C.—Rules for Guaranteed Railway Companies.

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APPENDIX C.

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RULES LAID DOWN IN 1861 FOR THE ACQUISITION OF LAND REQUIRED FOR RAILWAY PURPOSES BY THE OLD GUARANTEED COMPANIES.

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See Government of India, Public Works Department, Circular No. 55, dated 29th June 1861.

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1. Land required for Railway purposes may be divided into four classes, A, B, C, and D. First, Class A, land which a Railway Company receives free of charge, under the contract with the Government, for permanent occupation. Second, Class B, land also provided free of cost, but only for temporary occupation. Third, Class C, land which the Railway Company has to provide at its own cost. Fourth, Class D, land which does not come directly into the possession of the Railway Company at all.

2. Class A will comprise the land required for the permanent works of a Railway, including the road with its bridges, etc., and all stations, workshops, permanent store-houses and the like, necessary for the line when opened, and which under the contract is to be provided by Government free of cost to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their contract is terminated or surrendered and the whole lapses to Government. It is all provided free of charge.

3. Class B will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge; such is land for spoil-banks, for extra excavation to make banks, for river diversion, and for the storage of Railway materials held in stock by the Railway Company, pending the construction of the line; or their

\* This last sort of land is allowed free under the Right Honourable the Secretary of State's letter No. 25 of 30th November 1859.

despatch to the works.\* The occupation of this class of land will be temporary. On its restoration to the Government—the proper time for which will be settled in each

case between the Railway officers and the Consulting Engineer—it will be for the Revenue officers to dispose of it to the best advantage of Government.

4. Class C will contain the land which a Railway Company has to provide at its own cost. This is land which is required for the provision or preparation of materials; for purposes contingent on the actual execution of the works on the line, or for other miscellaneous objects which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the capital, receiving only from Government, without charge, the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works, are to be at the cost of the Railway Company (a).

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\* In the original rules the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site used temporarily for storage of materials itself in Class B. This would carry the road itself into the same class. A road from a brick-field or quarry would be in the same category as the brick-field or quarry, *vis.*, Class C. Whereas a road from a detached but permanent store-yard, although leading "to works in progress," would not the less come under Class D, should such road still be necessary after the completion of those particular works. Thus, generally, the circumstances of the tenure of land at the end of the road furthest from the Railway will decide the class into which the road itself shall be placed.

(a) The following words were also in the original rules:—

"In this class, therefore, will fall all land for brick-making,\* for quarrying ballast,<sup>1</sup> for houses for persons employed "on the work, etc. So also land for houses for engine-drivers, and the like on the line when opened, and for other similar "purposes, will come under Class C."

But Her Majesty's Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has therefore been thought best to give these words in a note simply for the guidance of the officers of Government, and parties interested, as to the construction which Government puts on the contract in regard to certain points of frequent practical application.

Appendix C.—Rules for Guaranteed Railway Companies.

It is proper to bear in mind, in fixing the rent, that this land will in part deteriorate by the use to which it is put, and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land, in the first instance, in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined, as under Class B, by the Railway-officers and Consulting Engineers.

5. Class D will contain that land which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads; either new roads leading to railway stations, or to permanent store-yards or workshops detached from the main works, or diversions or changes of old roads made necessary by railway works.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land, on their own account, or otherwise than is above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A, which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property on land which is not provided free of charge and for which special payment or compensation is necessary, will be paid for at once by the Railway Company. In the cases of land provided free of charge, the materials, etc., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions: the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of village estates of mouzahs, pergunnahs, and zillahs, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of land will be coloured pink, yellow, purple, and green, respectively, in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearings as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineers to Government, the applications will be forwarded to and dealt with, as may be necessary, by the Revenue authorities under the orders of the Local Government. The Revenue officers are to be held strictly responsible for the regular adjustment by Railway Companies of all charges on account of land, to be determined in the manner above explained.

12. A complete set of Land Plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government by whom a duplicate will be given to the Revenue board, which, in turn, will supply Collectors of districts with transcripts of parts included in their respective zillahs. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the Land Plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and the local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in their several departments, and for the careful record of plans in their respective offices.

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Appendix C.—Rules for Guaranteed Railway Companies.  
Appendix D.—Land for Dwelling-houses for Railway Staff.

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14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the Local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the Local Government to see that a correct register and record of title of all Railway lands is maintained; for the whole of such lands will one day revert to the Crown; also that all rents or payment for clearances, etc., chargeable in behalf of Government against the Railway Company, are duly realized.

16. It is essential that there should be for each Railway *one* set of plans, in a regular sequence, to show all the land; and that the plans of each Railway Company's estate, after they have once been prepared, should constantly be corrected and always be maintained complete.

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AMENDMENT TO PARA. 4 OF ABOVE CIRCULAR.

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See Government of India, Public Works Department, Resolution Nos. 3755—60 R., dated 16th October 1877.

I am directed to acknowledge the receipt of your letters Nos. 4645 and 4646, dated the 22nd December 1871, on the subject of the adjustment of the rent and sale-proceeds of Railway class C lands, and to say that the Governor General in Council concurs in the proposals contained in your letter to the Board of Revenue, No. 3976, dated 14th October 1871, *vis.*, that an annual settlement should be made with Railway Companies of all accounts connected with the re-sale of C lands, the net loss being charged against the Companies, on condition that this rule shall apply to the case of all lands re-sold whenever they may have been taken up, unless (under paragraph 5 of the Public Works Department Circular No. 55 of 1861) a specially high rent has been charged to meet the probable loss by deterioration. The rent of C lands will in future be in all cases fixed at the rate of 5 per cent. on the capital expended, *plus* any Government revenue with which the land may be chargeable.

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APPENDIX D.

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LAND REQUIRED FOR DWELLING-HOUSES FOR EMPLOYEES  
OF A RAILWAY COMPANY TO BE PAID FOR AS UNDER 'CLASS C.'

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Government of India, Public Works Department, Circular No. 16, dated 6th April 1861.

The following extract of orders, passed by the Governor General in Council on a reference from Madras, is circulated for guidance in cases where application may be made by Railway officers for land to build dwelling-houses on, or where the Railway officers proposed to build such dwelling-houses on, land provided at the cost of the State. It will be seen that, whatever may have been admitted in some such cases hitherto, no claim should in future be recognised for the provision of land for such dwelling-houses at the cost of the State.

---

*Extract from letter to Secretary to Government of Madras.*

"I am directed to state in reply that the Government of India cannot admit that dwelling-houses for Engine Drivers or Station Masters, and still less for general workmen, are 'conveniences' under terms of the contract. This sort of accommodation being given or refused is merely a question of wages."

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Appendix E.—Special Rules for East Indian Railway.  
Appendix F.—Quarrying in Land belonging to Native States.

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**APPENDIX E.**

**SPECIAL RULES ISSUED AFTER CONSIDERATION OF THE CONTRACT OF JANUARY 1880, ENTERED INTO BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE EAST INDIAN RAILWAY COMPANY.**

See Government of India, Public Works Department, No. 534 R. C., dated 9th June 1885.

All distinctions as to classes of land in the possession of the East Indian Railway Company, that existed prior to the 1st of January 1880, shall cease from that date.

2. From and after the 1st January 1880, the East Indian Railway Company, when taking up land, shall pay the value of the land, including cost of clearances and compensation, to owners and occupiers, plus the capitalised value of the abatement of land revenue and the expenditure necessary in the different processes required in the taking up of the land.

3. The capitalised value of the abatement of land revenue is the amount which, invested in 4 per cent. Government securities, at the market rate of the day, will produce interest equal to the abatement.

4. If the land required for the East Indian Railway Company be the property of the State, its value shall be the value as appraised by the Revenue authorities at the time of its transfer to the undertaking, inclusive of incidental expenditure.

5. All lands required under these rules shall be taken up through the principal Revenue officer of the district within which such lands are situated. If the land be the property of private individuals, payments shall be made for it to its owners in the manner described in rules 4 and 5 of Chapter 6 of the Civil Account Code. If the land be the property of the State, the principal Revenue officer of the district aforesaid shall complete his valuation and award and shall communicate the same to the Provincial Accountant General or Comptroller, as the case may be, for recovery from the East Indian Railway Company.

6. The amounts declared recoverable from the East Indian Railway Company in respect of lands taken up under these rules, shall be adjusted according to Rule 6, Chapter 62 of the Civil Account Code.

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**APPENDIX F.**

**PROCEDURE TO BE FOLLOWED IN THE ACQUISITION OF LAND IN NATIVE STATES REQUIRED FOR QUARRYING FOR THE PURPOSES OF A RAILWAY.**

Govt. of India, P. W. Dept., Circular No. XXVIII Railway, dated 7th November 1882.

It having been brought to the notice of His Excellency the Governor General in Council that it not unfrequently happens that local Railway officers obtain access to land in Native States for quarrying and other purposes of the like nature, without reference to the Native States concerned, and that the procedure often gives rise to misunderstandings as to the terms on which such land is to be held and used by the Railway, His Excellency in Council is pleased to direct that in future no quarry is to be opened outside the limits of the land made over to the Railway in any Native State, until the permission of the Native State or Durbar concerned shall have been obtained by the local Railway officers through the Political officer attached to the State. In short, the procedure followed in connection with the acquisition of land in British territory should be observed, except that, instead of the land being acquired under the Land Acquisition Act (*Act X of 1870*) it will have to be obtained through the Political officer on such terms as may be agreed upon with the Durbar after the submission of the necessary Land plans.

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Appendix G.—Land under Military Department.

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APPENDIX G.

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ACQUISITION OF LAND BELONGING TO THE MILITARY DEPARTMENT.

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Government of India, Public Works Department, Circular No. XI Railway of 1892.

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It has been brought to the notice of the Government of India that cases have not infrequently occurred, in which land belonging to the Military Department has been taken up by railway or other civil authorities without proper authority.

As such action is productive of considerable inconvenience, and in many instances of subsequent military expense, the Governor General in Council has decided that, in supersession of all previous orders on the subject, no land, whether—

- (i) within cantonment limits,
- (ii) forming part of a military encamping ground, or
- (iii) otherwise held for military purposes, shall be entered upon or occupied for constructing a railway, erecting railway or other buildings, or for any other purpose whatever, either by contractors or any other persons (official or non-official) acting under the orders of any Civil Department of the State, until the sanction of the Government of India in the Military Department to the occupation or use of the land has first been obtained and communicated to the General Officer Commanding the district by the Quarter Master General in India, or by the Quarter Master General of the Madras or Bombay Army, as the case may be.

This Resolution does not, however, in any way affect the powers at present exercised by the General Officers Commanding districts in the Bengal and Bombay Presidencies, and by the Commander-in-Chief in the Madras Presidency, in sanctioning the grant of sites for ordinary building or other private purposes in cantonments, in accordance with the procedure laid down in Army Regulations, India, Vol. II, Part II.

File



Reply of The Assistant political  
agent to letter No 45-  
dated 21<sup>st</sup> December 1897  
from the Divan of Savanur

No 6 of 1898

8<sup>th</sup> January 1898

The undersigned has  
no spare copy to supply  
except one which is filed  
here; besides there is very  
little likelihood of a  
railway being constructed  
through Savanur Territory  
for many years to come.

Recd  
Recd P.C.  
with  
10.1.98

Hand  
Assistant P.C.  
Agent

J. No 4  
10-1-98

Southern Maratna Railway Company..

Chief Engineer's office,

No. D/369

Dharwar, 20th April, 1899.

The Collector of Dharwar.

Sir.

Boundaries of Native States traversed  
by S. M. Railway.

A Railway Surveyor has been deputed to verify the boundaries of Native States at points where they cross this Railway. I shall therefore be glad if you will kindly instruct the village authorities to point out the boundaries when he calls upon them.

I have &c,

Sd/ G. Dunlop

Ag: Chief Engineer.

No. 2012 Dharwar.

25 April, 1899.

Copy forwarded to the Assistant Political Agent with a request that he will ask the Divan to issue orders to the village officers concerned.

He

Political Agent.

ho 132

27-4-99

Recd  
order shd at once  
be issued to the V.O.  
concerned  
30/4/99  
1-5-99

Vernacular orders issued to the  
village officers of Honikop and Tonsing  
This may therefore be recorded

Signature of servant

Railways - Native states.

Standard Form for the cession  
of jurisdiction on Railway lands in -

No 4220.

Political Department

Bombay castle, 9th June 1899.

Letter from the Deputy Secretary to the Govt of India,  
Foreign Dept., No 1119 - I B, dated the 1st May 1899: -

The Government of India have recently had under examination the nature & extent of the powers which they desire to obtain & exercise on Railways in Native states. The position with the Govt of India seeks to maintain and to have placed beyond risk of question is this. They do not ask for any cession of sovereignty, but for a cession of jurisdiction, such as to enable them to exercise, during the currency & in respect of the lands dealt with, all power & jurisdiction, whether administrative, legislative or judicial. Under no other arrangement can railway lands in Native states be satisfactorily administered by the Paramount Power. The object in view differs in no respect from that which has been aimed at in the past when cessions of 'full jurisdiction' have been obtained.

In a recent case, however, the Court found it necessary to examine certain correspondence in order to ascertain what precisely was the jurisdiction declared by a notification of the Govt of India to have been ceded by a native chief over a line of railway, & it was held, from the tenor thereof, that jurisdiction strictly limited to matters connected with railway administration was all that was, in fact, contemplated. The lesson to be learnt from this is that it is desirable that a cession of jurisdiction should, in future, be set forth in a single, clearly expressed and self-contained document, so that the necessity for a reference to previous & probably vague correspondence cannot again arise.

"2. The object will, it is thought, be secured if declarations are obtained in the enclosed form, which has been settled after consultation with the Secretary of State. The expression 'full & exclusive power & jurisdiction of every kind' will cover all that the Government of India require.

3. It is not at present intended to attempt

any immediate general revision of all Railway jurisdictional arrangements with native states; but it will probably be advisable to take steps to secure a session in the new form if & when any difficulties arise under the arrangements now existing. The new form should also be used whenever fresh sessions of jurisdiction are required in connection with the construction of new lines of railway or the extension of existing systems. In cases of new extensions, convenient opportunities will perhaps occur for reviewing the original sessions."

Resolution.— Copies of the above letter and of its enclosure should be forwarded to all Political Agents and Superintendents for information & guidance, in supersession of the orders contained in Govt. Resolution No 9071, dated the 19th December 1891.

(Sd) G. W. Edgerley,  
Secretary to Government

To, — The Commr in Lind,

— Ditts, N. D.,

Ditts, C. D.,

Ditts, S. D.,

The Political Resident Aden,

The Poll Agent, Kathaiwar,

do Revakantha,

do Anteh;

do Mahikantha,

The Poll Supt., Palanapur,

do Savuntwadi,

The Agent to His Excellency the Governor, Surat,

The Collector & Poll Agent. Khandesh,

do — Satara,

do — Thana,

do — Kolaba

do — Sherwar,

do — Kaira, ~~and~~

do — Sholapur,

do — Poona,

do — Nasik,

The Public works Dept of the secretariat.  
(Railway).

No 3126 Phawar.

16<sup>th</sup> June 1855.

Copy forwarded to the Asst Poll Agent for.

information & guidance

(sd) R. Doshi  
Ht Clerk.

No 229 of 1895.

Forwarded to the Diwan of Savanur for  
information.

23 rd-1-99

(sd) A. Westrop  
A.P. Agent.

No 176 of 1899.

3.6 June 1899.

Perused & returned with compliments.

Ch  
of Diwan Savanur

Further orders on the Subject of  
acquisition of land for Railways.

No 1672 of 1899.

P. W. Department,  
Railway.

Bombay Castle,  
15<sup>th</sup> July 1899.

Read again Govt. Resolution No 2587 dated 1<sup>st</sup> October 1897.  
Letter from the Secretary to the Govt of India, Public Works  
dept, No 1167 R.C. dated 21<sup>st</sup> June 1899:—

With reference to the rules relating to the acquisition of land for Railways republished with Govt of India Circular No. IV Railway, dated 4<sup>th</sup> Sept. 1897, for general information & guidance, I am directed to communicate the following further orders on the Subject & to say that the Govt of India desire that they may receive careful attention.

(1) That the plans prepared under rules 21 & 22 of the rules referred to above shall be full & complete & shall show all existing roads & buildings & that when the latter are known to be used for public purposes or by special departments, their purposes & ownership may be stated.

(2) That land already public property shall be separately applied for & not included in the plans & notification to be acquired under the Land Acquisition Act.

(3) That the Railway Administration shall, under Rule 37



be responsible for obtaining the consent of the military authorities before applying for the acquisition under the act of land in cantonments or otherwise held for military purposes.

(4) That the Railway authorities shall be responsible for specially drawing attention to all cases in which religious buildings or tombs are proposed to be acquired (vide Public Works Dept. code, Vol. I Chap. IX., paragraphs 28, & Chapter X, paragraph 25)."

Resolution. — To be communicated to all concerned for information & guidance, with reference to Govt. Resolution No 2587 dated 21 October 1897.

(sd) W. Howard,  
Offg Under Secretary to Govt.

No 5522

Political Department.

Bombay Castle, 5th August 1899

Resolution. — Copies of the above Resolution should be forwarded to all Poll Agents & Supts for information & guidance, with reference to Govt. Resn. No 7180, dated the 23rd Novr 1897.

(sd) S. W. E. Kerley,  
Secretary to Govt.

To,

The Commissioner in Sind.

Ditto, N. D.

Ditto, — C. D.

Ditto, S. D.

All Poll Agents & Supts

The P. W. D. of the Secretariat (Railway)

No 4583

Copy forwarded to The Assistant Political Agent.

4-9-99

(S)

ag. Head clerk

No 400 of 1899

17-9-99

Forwarded to the Divan of Saranur for  
information.

(S) C. V. Vernon.

A. P. Agent.

No 299 of 1899

21-9-99


Noted & returned with compliments to The first  
Assistant Collector & Assistant Political Agent  
Dharwar.

Ol. Divan in ch.



that since the construction of the railway the applicant  
has been prevented from going to his fields ~~due~~ Nos 53154,  
direct through Survey Nos 77478 and is obliged to go Thence with  
his bullocks <sup>other</sup> ~~if farming~~ <sup>route</sup> ~~stroke~~ by the Lonsur-Kargisi <sup>road</sup> marked  
on the map, whereas a level crossing has been constructed by  
the railway authorities between Nos 46477. The distance  
between Lonsur village site & Survey Nos 53154 via ~~now~~  
the existing level crossing is 4158 yards while the same  
~~direct~~ Through Survey Nos 78477 <sup>is</sup> 946 yards. <sup>will show</sup> these figures <sup>with</sup>  
clearly ~~show~~ that the time & trouble now required to go to  
the fields & come back therefrom is fourfold ~~of necessity~~ seems  
~~very~~ that especially during the rains and at the time of  
manuring conveying manure & bringing produce he is  
put to much difficulty & expense ~~loss of~~ under the  
existing circumstances, there seems to be no objection  
to allow a level crossing to be made between Lonsur  
S.R. 53154 & 77478 on the spot <sup>marked</sup> ~~shown~~ on the map, at  
the expense of the applicant. As the matter ~~being~~ <sup>has to</sup>  
~~lying at the discretion of the~~ railway authorities, ~~I request~~ <sup>it</sup> ~~might be~~ ~~referred~~  
that they ~~has~~ <sup>have</sup> kindly moved to ~~address~~ <sup>grant</sup> the request of the  
applicant.

I have the honor to

  
Division of Revenue

No 5367 of 1904  
Dharwar 18 August 1904

Memorandum.

The S. M. Railway Company  
having asked the undersigned  
to inform them of the density  
of population in a strip of  
the country 6 miles on either  
side of the Railway line  
running within the limits  
of Savanur State, the Diwan is  
requested to give the population  
of each of the following  
villages (and any others which  
are comprised in the said  
strip) at an early date:

- |                 |              |
|-----------------|--------------|
| 1 Savanur       | 5 Baswanakop |
| 2 Tondur        | 6 Honnikop   |
| 3 Dombarkhattur | 7 Naikernur  |
| 4 Chithur       | 8 Vadikop    |
|                 | 9 Katiwal.   |

CC. H. J.

20/8/04

In 20359

W. H. H.

Collector,  
Dharwar.

N 306 of 1904

Saranior  
23-8-04.

To,

The Collr & P. Agent

Dhanwar.

Sir,

With refce to your <sup>memo</sup> No 5367 of 18-8

I have the honor to give the required  
population of the villages noted on the.

Name of village	Population	} margin accord to the census of 1901.
1 Saranur.	9796	
2 Jondur	857	
3 Vombarmattur	433	
4 Chellur	158	
5 Basankop	445	
6 Honnikop	241	
7 Nāikkēru	345	
8 Vadinkop	244	
9 Kaliwal	775	

2) No other villages are comprised in the  
strip referred to there in.

I have the honor

Rh

Dr. Dhanwar

Orders relating to the acquisition of land  
for the construction of railways

Ref<sup>d</sup>

Letter no. 4987-I.B., 1789<sup>th</sup> Nov 05

from - E.H. Kealy, Esq<sup>r</sup> Asst<sup>t</sup> Secy to the Govt<sup>t</sup>  
of India Foreign Dept<sup>t</sup>;

To, The Hon<sup>ble</sup> Sir Steynning W. Ederley, K.C. V.O., C.  
J. C., Chief Secy to Govt<sup>t</sup> Pol. Dept<sup>t</sup>, Bombay.

I am directed to invite a refer<sup>ence</sup> to the Resoln<sup>n</sup>  
of the Govt<sup>t</sup> of India in the Foreign Dept<sup>t</sup>, no 2870-I,  
of the 28<sup>th</sup> August 1890, regarding the acquisition of  
land in Native States for railway purposes.

2- In paragraph 5 of the Resoln<sup>n</sup> it was laid  
down that the only orders which shd. govern the  
acquisition of land in Native States were to be  
those issued by the Govt<sup>t</sup> of India in the Foreign Dept<sup>t</sup>.  
Since that date, however, the P.W.D. Circular  
no IV Railways, of the 4<sup>th</sup> Sept 1897, has issued,  
and it modified to some extent the previous  
orders on the subject of the acquisition of land.  
Although this Circular was issued direct from the  
P.W.D., I am now to say that it has the concur-  
rence of the Govt<sup>t</sup> of India in the Foreign Dept<sup>t</sup>  
and must be held to supersede anything in-  
consistent with it which may be contained in  
the Foreign Dept<sup>t</sup>'s Resoln<sup>n</sup> of 28<sup>th</sup> August 1890.

no 8276. Pol. Dept<sup>t</sup>  
Bombay castle 21<sup>st</sup> Decr 05

Order. - Ordered that a copy of the above letter from the Govt of India be forwarded to all Political Officers for info., with refce to G.R. no 7180, of the 23rd Novr 1897.

Sd S. W. Edlerley,  
Chief Secy to Govt

no 371 of 06.

~~Copy forwarded~~

17-1-06.

Copy forwarded to the A.P. Agent, Savar, for info & communication to the Divan of Savar with refce to this Office no 9823 of Novr 1897.

Sd H. B. Jambhekar  
Asst. Secy.

no 52 of 1906.

Camp Haweri Jan 06

Forwarded to the Divan of Savar for info with refce to G.R. no 7180 of the 23rd Novr 1897.

Please return

Sd H. B. Painter.  
A.P. Agent.

no 74 of 1906.

Savarn  
30th Jan 06 -

Retn with compliments as

desired.

Rh  
or Divan Savar



No. 20

English title

regarding

Land Acquired by

S. M. Railway Co.

from 1883 to 1902